

Rezoning and amend minimum lot size for Lot 252 DP750846 Wallace Street North, Coolamon

Proposal Title : **Rezoning and amend minimum lot size for Lot 252 DP750846 Wallace Street North, Coolamon**

Proposal Summary : **The proposal will zone lot 252 DP750846 Wallace Street North, Coolamon to RU5 Village and set a minimum lot size of 800m2.**

PP Number : **PP_2016_COOLA_001_00**

Dop File No : **16/11308**

Proposal Details

Date Planning : **08-Aug-2016**

Proposal Received :

LGA covered :

Coolamon

Region :

Southern

RPA :

Coolamon Shire Council

State Electorate :

MURRUMBIDGEE

Section of the Act :

55 - Planning Proposal

LEP Type :

Spot Rezoning

Location Details

Street : **Wallace Street North**

Suburb : **Coolamon**

City : **Coolamon**

Postcode : **2701**

Land Parcel : **Lot 252 DP750846**

DoP Planning Officer Contact Details

Contact Name : **Mark Parker**

Contact Number : **0242249472**

Contact Email : **mark.parker@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Tony Donoghue**

Contact Number : **0269301800**

Contact Email : **tdonoghue@coolamon.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**

Contact Number : **0242249468**

Contact Email : **deanne.frankel@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name :

N/A

Regional / Sub : **N/A**

Consistent with Strategy :

N/A

Regional Strategy :

Rezoning and amend minimum lot size for Lot 252 DP750846 Wallace Street North, Coolamon

MDP Number :		Date of Release :	
Area of Release (Ha)	1.60	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	19
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The land adjoins the developed urban area of Coolamon town and the rezoning to RU5 Village consolidates the boundary and could be considered 'in-fill' development.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives clearly state the intended outcome.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal identifies the changes to Coolamon Local Environmental Plan 2011 Land Zoning and Lot Size Maps. The land will be rezoned to RU5 Village with a minimum lot size of 800m2.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

3.1 Residential Zones

3.4 Integrating Land Use and Transport

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
SEPP (Rural Lands) 2008**

**Rezoning and amend minimum lot size for Lot 252 DP750846 Wallace Street North,
Coolamon**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS:

1.2 RURAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing rural zone.

The proposal is considered to be **INCONSISTENT** with this direction as it will rezone land from RU4 Primary Production Small Lots to RU5 Village. The land was attached to land used for a saw mill and adjoins Coolamon urban area on two sides. The land, because of its proximity to the urban area of Coolamon, is no longer suitable for agriculture.

RECOMMENDATION: The Secretary's delegate can be satisfied that the inconsistency with the direction is of minor significance.

1.5 RURAL LANDS: Council has not identified that this Direction applies to the planning proposal, however, it does apply as it will affect land within an existing rural zone – RU4 Primary Production Small Lots.

The proposal is considered to be **CONSISTENT** with this direction as it is considered consistent with the Rural Planning Principles list in SEPP (Rural Lands) 2008.

RECOMMENDATION: The Secretary's delegate can be satisfied that the planning proposal is consistent with the direction.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within a proposed residential zone.

The proposal is considered to be **CONSISTENT** with this direction. The land can be provided with all required urban services.

RECOMMENDATION: The Secretary's delegate can be satisfied that the planning proposal is consistent with the direction.

3.4 INTEGRATING LAND USE AND TRANSPORT: Council has not identified that this Direction applies to the planning proposal, however, it does apply to the planning proposal as it will create a zone relating to urban land, RU5 Village. The planning proposal identifies new land on the edge of Coolamon adjoining existing urban areas. Due to the size of Coolamon town it is not remote from services and the centre.

RECOMMENDATION: The planning proposal is considered to be **CONSISTENT** with this direction and for any potential inconsistency the Secretary's delegate could consider it to be of minor significance.

SEPPs

SEPP (Rural Lands) 2008 – The planning proposal can be considered to be consistent with the Rural Planning Principles in that it:

- a) does affect current or potential productive and sustainable activities in rural areas;
- b) does not affect the importance of rural lands and agriculture;
- c) does not detract from the significance of rural lands to the State or local community;
- d) balances social, economic and environmental interests of the community;
- e) does not affect biodiversity or water resources;
- f) does not affect rural settlement opportunities;
- g) considers servicing issues; and
- h) there is no Regional Strategy applying to the area.

**Rezoning and amend minimum lot size for Lot 252 DP750846 Wallace Street North,
Coolamon**

SEPP 55 Remediation of Land

Council removed the proposed rezoning from its Principle LEP to consider the site's potential for contamination. The subject land was part of a larger lot that included a saw mill and was therefore identified as potentially contaminated. This land has been separated from the saw mill land and a historic review by council has found no evidence to suggest there is any contamination.

RECOMMENDATION:

It would be appropriate for Council to consult with the Environment Protection Authority concerning potential contamination and proximity to potential future industrial lands.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps in the planning proposal are adequate for exhibition purposes showing the existing and proposed land zones and lot sizes.

RECOMMENDATION:

Council is to prepare maps in accordance with the 'Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015)' when the plan is submitted for finalisation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 42 day exhibition period which is considered appropriate.

RECOMMENDATION:

28 days should be specified as the minimum consultation period.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Coolamon LEP 2011 is in operation.

Assessment Criteria

Need for planning proposal : A planning proposal is the only mechanism to amend the Land Zoning and Lot Size Maps in Coolamon LEP 2011.

Consistency with strategic planning framework : The planning proposal is consistent with Council's local strategy for Coolamon town contained in Coolamon DCP 2015.

Rezoning and amend minimum lot size for Lot 252 DP750846 Wallace Street North, Coolamon

Environmental social economic impacts :

The planning proposal rezones an area of unused rural land on the edge of Coolamon for residential purposes. The land cannot be used effectively for agriculture due to the potential for land use conflict where it interfaces on two sides with urban development. The site is cleared and has no biodiversity value. It will consolidate the town boundary and enable the coordinated growth of the town.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Covering Letter .pdf	Proposal Covering Letter	No
Council Minutes and resolution 21 July 2016.pdf	Proposal Covering Letter	No
Planning Proposal.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
1.5 Rural Lands
3.1 Residential Zones
3.4 Integrating Land Use and Transport

Additional Information : **It is RECOMMENDED that the Acting Director Regions, Southern, as delegate of the**

**Rezoning and amend minimum lot size for Lot 252 DP750846 Wallace Street North,
Coolamon**

Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to Coolamon LEP 2011 to rezone land at Wallace Street North, Coolamon to RU5 Village should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for at least 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Department of Planning and Environment, 2013)'.

2. Consultation is required with the Environment Protection Authority (EPA) under section 56(2)(d) of the EP&A Act.

The EPA is to be provided with a copy of the planning proposal and any relevant supporting material. The EPA is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. The EPA may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal's inconsistency with s117 Direction 1.2 Rural Zones is of minor significance;

(b) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.5 Rural Lands, 3.1 Residential Zones and 3.4 Integrating Land Use and Transport;

(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(e) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This planning proposal is considered a minor proposal to rezone a site to RU5 Village to consolidate the town boundaries for Coolamon.

Signature:



Printed Name:

Deanne Frankel

Date:

26/8/16